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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,231	08/22/2006	Ulf Bormann	2003P19424WOUS	6909

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER

DUVERNE, JEAN F

ART UNIT	PAPER NUMBER
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2839

MAIL DATE	DELIVERY MODE
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05/29/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/590,231	Applicant(s) BORMANN ET AL.	
	Examiner Jean F. Duverne	Art Unit 2839	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-20, 22-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 17-20, 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Duret (US005221897A) in view of Jason et al (US 20030202301A1) .

Duret's device discloses an automation system for connecting to a field device, comprising: a plurality of connectors for connecting to the field device, an excitation component (6) for supplying a signal to the field device, determining a measurement variable via the excitation component (8), a terminal at 61, a measurement component (8) for measuring a response from the field device which can be error or positive feedback, the measurement component having a terminal; and a connection unit for selective connection each of the plurality of connectors to a terminal at 61 selected from group consisting of the excitation terminal and measurement terminal; a controller or switch matrix (61); wherein the switch matrix and the control unit are designed as elements of an integrated circuit. The term "for" as recited in the claims has not been given any patentable weight because it's narrative in form. In order to be given patentable weight, a functional recitation must be expressed as forth in 35 USC 112, 6th paragraph, and must be supported by recitation in the claims of sufficient structure to

warrant the presence of the functional language. In re Fuller, 1929 C. D. 172; 388 O. G. 279. However, Duret's device fails to explicitly disclose the detection connection error (but the results analysis is an important tool in finding discrepancies or connection errors). Jason's (device discloses the measurement of the magnetic field and the connection errors (see abstract or paragraph 0024). It would have been obvious to one having ordinary skill in the art at the time the invention made use the error detection of connection such as the one in Jason's device in order to improve the troubleshooting connection in Duret's device and improve system reliability.

Response to Amendment

Applicant's arguments filed with the amendment on 02/29/2008 have been fully considered but they are not persuasive. The claims do not define structural structure features that distinguish over prior art: For example, Duret's device discloses an automation system for connecting to a field device with a plurality of connectors for connecting to the field device, an excitation component (6) for supplying a signal to the field device, determining a measurement variable via the excitation component (8), a terminal at 61, a measurement component (8) for measuring a response from the field device and analyzing the results, which is an important features for comparing results and finding errors. Jason's device discloses the magnetic field as stated above, a system with capability of determining connector faults or errors or power failures detection with automation features. So, applicant's argument that Duret's device does not disclose the connection errors can be determined via trouble shooting device and explicitly

discloses in Jason's device. It is an obvious variation.. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP. 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's invention. Kliman (US 20040124833A1) discloses the method for identifying connection errors or fault in a field device connected to an automation system (see abstract or paragraph 0034), comprising: supplying a signal to the field device via an excitation component (see abstract), wherein the field device is selected from the field consisting of a sensor at 424 and an actuator; determining a measurement variable assigned to the field device via a measurement component(see paragraphs 0034-0036); analyzing the measurement variable via an analysis unit (see abstract); and selecting connection combinations for a plurality of connectors of the field device, at least of a portion of the connectors connected each connected to and a terminal selected from the group

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consisting of a terminal of the excitation component and a terminal of the measurement component. method for identifying connection errors or fault in a field device connected to an automation system (see abstract or paragraph 0034), comprising: supplying a signal to the field device via an excitation component (see abstract), wherein the field device is selected from the field consisting of a sensor at 424 and an actuator (see paragraph 0034-0036); determining a measurement variable assigned to the field device via a measurement component(see paragraphs 0034-0036); analyzing the measurement variable via an analysis unit (see abstract); and selecting connection combinations for a plurality of connectors of the field device, at least of a portion of the connectors connected each connected to and a terminal selected from the group consisting of a terminal of the excitation component and a terminal of the measurement component. Applicant also should consider these references in response to this office action. Should issue arise concerning the rejection presented above, these references may be relied upon in a subsequent action to support the lack of novelty or obviousness of claimed subject matter to one of ordinary skill in the art.

Conclusion

Claim 21 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Prior art fails to disclose the combination features the connection unit being controlled by a control unit, wherein the control unit and the switch matrix are elements of an integrated circuit and with the rest of the claims limitations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean F. Duverne whose telephone number is (571) 272-2091. The examiner can normally be reached on 9:00-7:30, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TC Patel can be reached on (571) 272-2098. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JFD
05/18/2008

/Jean Frantz Duverne/
Primary Examiner, Art Unit 2839